

CAPT. BADILEY'S

# REPLY

TO CERTAINE

## DECLARATIONS

FROM

Capt. Seamen, Cap. Ell, & Cap. Fisher.

AS HE

Found them divulged abroad in a Fallacious  
P A M P H L E T, called

*The Remonstrance of the Fight neer  
Legorn, between the English and the Dutch.*

AS ALSO:

Many other Particulars, as they were presented to  
his Excellency the Lord Generall CROMWELL,  
And the Right Honourable, the

## Councell of State.

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LONDON,

Printed by Matthew Simmons, in Alders-  
gate-streete, 1653.

# Council of State

LONDON

Printed by Messrs. Simmons, in Aldgate.  
Gale-freze, 1653.



THE  
ANSWER  
TO  
CAPT. SEAMANS  
DECLARATION.



Ifst he saith, when Captain Cox was sent to know in what a condition they were in, then he replied, so and so.

To that passage I answer thus, having receiv'd about 20 Letters from Legorn, acquainting me with the stubborneesse and aversnesse of the said *Seaman*, to doe any service that might have conduced as much to their Employers benefit, and their owne goods, as to the honour of the Nation, and having been sufficiently advis'd of the backwardnesse of the States servants, I sent the afore-named Capt. Cox to put some life into them, by giving them to understand how much it concerned them, for ends before denoted, to act vigorously, and come away to my Assistance, but nothing would, faire meanes, or acts of Civility, work (in the least) upon the said *Seaman*, but the production of some such scorne as was ordinary with him; *What, doe you thinke we come hither to convey the States*  
a *Ships,*



*Ships? Cannot they be gone of themselves, without the helpe of Merchants Ships?*

In the next place he saith, *As soone as the States Commissioners came, he rendred obedience unto them; which is a desperate untruth; For being at Legorn the beginning of Nov. with all the Arguments I could use in a friendly and perswasive way, I could not prevaile with him, and Capt. Roope, and thereby they hindred Capt. Marsh, who told me he would readily submit to serve the State, if the rest would embrace the Commissions, and serve.*

However a good while afterwards ( whil'st ) I was absent at Porto Longone, Mr. Longland carried the States Commissions on bord their Ships, and reading of it at their Main-mast before Witnesse, prevailed with them to land their Goods, and serve the State; whereas, had they readily imbrac't the Commissions, we might have been in a far better Capacity then we were.

Next, he tels a peece of ridiculous stufte, that at Legorn in the afternoone ( we may guesse when ) a Counsell was call'd, and he was told but so and so.

Here he playes the Weaver, and mingles a great many falsities together: He saith, *Mr. Longland and my selfe told him we must be gone in fisteene dayes.*

To that I answer: Truth is, I did acquaint him the great Duke would thrust us out of his Port, and in twelve dayes we must be gone, else for ought I could perceive, we must be destroy'd, more Guns being then brought downe, and plant-ed against the Leopard; and he well knoweth, I went on bord the Sampson, as well as on bord other Ships, and caus'd all his Officers and Marriners to be cal'd together, and being assembled, I made a Speech among them to this effect, *Our condition is much like the Leapers we read of, or like to those that have had enemies before and behind them; and the rise I took from thence, to desire they might quit themselves like English men, when ever they came to it, is not unknowne to him, except he stopt his eares all the time I was speaking.*

But in the next place, after he had shewed himselfe liker a Mouse then a Man that stood up for the Honour of his owne Nati-



Nation, he turnes Champion for the Great Duke, and as one that had con'd his Letter at that Court, said, that *he heard we might have stayed ten dayes, and ten dayes after that, &c.*

But to that passage I answer, the more unworthy person he, that he should never acquaint me with any such thing; for I understood neither directly, nor indirectly, but that we must have been destroyed in the Great Dukes Port, if we had stayed longer then our limited time.

The next thing that concernes me to Answer, is, that Cap. Upcher told him they were neere the Lanthorne in the night, but in the morning we were two or three leagues off. Indeed we were neere the Lanthorne within four or five miles thereof, about midnight, and if then he had not laine like a *Lurdaine* upon the Bed or Couch, but had vigorously endeavoured to have put my Order in execution, when I sent for him among others, I believ'd he had sav'd his Ship, and the State had sav'd their Repute they lost in some measure, by employing as instruments, such Paltry Drones.

But saith he, *In the morning we were three or foure leagues off:* For Answer, I leave it to understanding Sea-men to judge (how far we were off) having all the night long not above fourteen or fifteen fathome water, and since we saw not the *Malora* before night, we could not tell assuredly whether we were to the southward, or to the eastward of him, untill it grew the lighter for day, and then we hastned in as the wind gave leave, with all the faile we could make.

Next, he tels you, *That my Lieutenant was sent in to them to call them out, and that upon their lives, before I was too much engaged.* Mark now, if the Question were asked this impudent person, being it was on your lives, *what will become of your life now?* since it can be proved notwithstanding that Order, you lay like a Drone four or five houres after, and did nothing at all as to going out.

If he Object, *We were to be engaged first;* (I know that was agreed on, if the Ships did not come out in the night) but since he staid while it was day, why staid he not untill we were engaged? himsele saith, *They should come out before we were too much engaged,* Ergo, *They should have stayed in the*

day time untill wee had beene Engaged.

But to mend the matter, *He thought I would not Engage.* This is pretty stuffe; but if it opens not a gap for every inferiour Officer to take hold of his Commanders Throat, I shall remaine satisfied to lye under that indignity for the present.

In the next place, he tells us that *Mr. Longland* and others ordered them to goe out next morning.

For Answer, pray let every one judge, who is like to speak truth. *Mr. Longland* writes in sundry Letters to severall men, and to my selfe, that when he heard they were gone out before I had engaged, he shut himselfe into his Chamber, and in his thoughts gave all for lost.

In the next place, Here's Oath made by a credible witnesse, that *Capt. John Wood*, who lost both his ship and life in the businesse, confessed when he was going out of the world, that *their destruction was of themselves by going out too soon in the morning*, it being against the result of their owne deliberate Counsell of War, and diametrically crosse to what was concluded among our part of the Fleet, as may be seen among the Copies of the Orders, dated the 1 or 11 of March, in the close there was this concluded on; That if the Enemy come out, and the wind were Easterly, we should toyle them off by standing a little to the southward. Compare that with my Letter of the 3 or 13 of March at 4 a Clock in the morning, and there I told them (as I remember) (and *Capt. Appleton* confesseth as much by his Letter of that dayes date, at foure in the after-noone) *I was very loath to hazard that Squadron, being somewhat the lesse, wherefore I would not have them venture before they saw me engaged*: or words to that purpose.

Next he saith, *That when I saw them out of the Mould, I tackt about.* To which I answer, for ends before denoted, as also in regard it was the opinion of Mr. and Pilots, that we could not weather the *Malora*, we did tack off for halfe an houre, the head-most of the *Flemish* Fleet then bearing away directly with us, and had been with us in halfe an houre, if our Ships in the Mould had not impudently come out as they did: And I appeale unto all understanding Seaman in  
England

England ( that knows what *Legorn-Road* is ) whether it be not most hazardous to engage with such Ships of Charge, as we had in that Auger-hole : And whether we were not as gallantly to passe as any men in the world could be, to goe jamcing off with our Main-saile hal'd up, ( as well to clear our Ordnance in the Capstain Way, as otherwise ) since the *Malora* did now beare N. N. E. about a mile off ; for ( if they had staid a little longer in the Mould ) we had Sea-room enough : and as I said to them that were next to mee, *Now if halfe a dozen of these fellows of Van Gallens Crew comes on board, the Parragons side will hold them ; and by that time every one hath had his share, and that wee are all hot at our businesse, & then the Ships in the Mould will out, and coming fresh on the Enemy, I doubt not but by Gods assistance we shall have the day.*

Yet as soon as we saw the ships in the Mould coming out, and that the Enemy tack'd upon them, we set our Main-saile, and top-gallant-sailes, and stood in with all the Saile we could make, and as the winde gave leave : This is prov'd by sundry Witnesses upon oath, and I dare presume to find as many score, as there are particular persons to attest so much, that I lost no time in coming in, and sent Captaine *Mings* to tell the Commander of the *Frigots*, I would have them hasten in with all the Saile they could make, to help them that stood most in need of Assistance : But before I came within shot, the *Sampson* after halfe an houres dispute, or lesse, not having men on the upper Deck to trim Sails, was all on a light fire. Concerning the manner of the calling off the Fleet, I have spoken else-where, and being chas'd by the eight ships, I shall speak to it, when I come to answer *Ell*, and *Fisher*.

But in the Close he saith, *If I had beene a Pentioner to the State of Holland, I could not have done them better service then I did.*

This is an Expression, that shewes the man ( as we use to say of a picture that is drawn to the life ) I can hardly think there is ever an Enemy I have in England, but must needs confesse it's pure malice.

But



But now considering what I have declared in Answer to C. Appletons Remonstrance, and the Affidavits that are annexed, and Letters, let the world judge who was likeliest to be the State of Hollands Pentioner, he or I.

*In a compleat number of Particulars, every syllable whereof is, or will be proved upon Oath.*

**F**irst, if not by the open defiance he made to the State of England, as our Letters from Legorn can testifie; yet by the great stubbornnesse, and perversnesse that was in him to assist in my first Engagement (prov'd at large) in humane reason occasioned all the ruine befell us neer that place, and was the cause why the Merchants goods are not in England; he would not help us, and therefore God orders it out, that we should not be able to help him.

Secondly, His backwardnesse above all men to goe out to Sea, and doe service, when hee was the States servant, saying, *To goe out upon nine or tenne of the Enemies inferiour ships (when wee had sixe such gallant ships to have engaged them, and so breake our way through) was to lose three or foure good ships in his opinion.*

Thirdly, If his Prayer would help on his Ruine, then I am sure he wanted not to wish, with as much earnestnesse as a man could doe (even in my presence) that the Sampson were of a light fire, and that it griev'd him to look on her (in regard he had receiv'd some discontent from his men) whereupon as one astonish'd, considering how lately he had lost a ship by fire, I replyed, *Hold, hold, Captaine Seaman, oftentimes God annexes his Amen to such passionate expressions.* Add to that his running ashore very few dayes before his disaster, at a time he knows he ought to be better employ'd, viz. the Lords day (for men that were but civill could not choose but cry shame on't) to see his servants all that day act the parts of Effeminates in womens apparell. I say (let the world think what they will) I judge it occasion'd God to leave him to effeminatenesse of spirit, at the time when hee should have shewed more man-hood, and therein he did the Dutch

Dutch as good service as if he had been their Pensioner ; and he well knows, I told him then, I fear'd a hand of God was not farre from him.

Fourthly, When as I sent my Lieutenant to wish them to act vigorously, by cutting their Fasts immediately, and come out, the wind blowing afresh off shoare, and we being neere the Lanthorn to receive them, according as my Lieutenant makes Oath ( as if indeed he had been Pensioner to the *Dutch* ) he would not rise off his Pallat to the Captains Consultation, but there lay like a Cow, when a businesse was to be transacted of so high concernment to the honour of the Nation, the saving of mens lives, and benefit of all our Nations Merchants in point of Trade.

Fifthly, His giving consent to come out so soone in the morning, before we had wrought in our Ships and Frigots neer the Mould-head to receive them, or were engag'd with the *Enemie*.

Sixtly, That contrary to all reason and order being out, as if he had indented before-hand to be a means of the *Sampsons* destruction, runs with all his men under Hatches ( as faith our Letters from *Legorn* : ) Whereas if some persons had been kept on the upper Deck to have trim'd her Fore-saile, doubtlesse she had come away cleare of young *Trumpe*, and the Fireship also.

Seventhly, After Mr. *Longland* had shewed favour to him and other Captaines in time of their imprisonment, by his writing on their behalfe into *England*, that they might be remembred in point of Exchanges, and afterwards had engag'd himself in some thousands of crowns, that he the said *Seaman* & others should render themselves true Prisoners in *Holland*. I say, when that Gentleman came to visit him, after many acts of Civility shewed to him ( as if he had received a Pension from the *Dutch* ) he would have knock'd out his brains with stones he heav'd at him, since he was the State of *Englands* Publick Minister, & a man of such worth, as if this insolent malicious mans conscience would but speak out, it must needs confesse ; That although the State may have many faithfull Servants, it's impossible they should have any  
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in such an employment ( as he is in ) more studious and industrious to promote their Honour and Interest.

*Richard Badiley.*

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## Here followeth an Answer to C. *Ell's* Declaration.

**F**irst, he saith, that soone after Capt. *Appletons* Squadron came out of the Mould, the *Dutch* tack'd on them, and then Cap. *Badileys* Squadron might have come at them.

I have not the spirit of Divination, to know what he meanes by that Passage: It's truth, we might have come at them, and we did come at them at last: but if his meaning be, we might have come at them sooner then we did; Then thus; As soone as ever I saw our Ships coming out of the *Mould*, and what the *Flemings* were minded to doe, I sent Cap. *Mings* on bord the *Frigots*, to order the Commanders of them to hasten in with all the Saile they could pack to the assistance of that Squadron; and he being of the *Reer-Admirals* Squadron, the *Phoenix* wearing that Flagge, he ought to have followed her with all the Sail he could make; but if he neglected the doing of his Duty, I believe it is not yet too late to call him to accompt, and do justice on him for such an Omission.

If he meanes, I neglected, or lost time, or did not hasten in as the winde gave leave. I have shewed the contrary to that by the Attestation of at least halfe a score of very sufficient Officers, as *Captaines*, *Lieutenants*, *Masters*, and *Masters-Mates*; and I suppose it will not be very difficult, now the Fleet's come in, to finde ten score Witnesses to prove, that I could do no more then I did in hastning in, if it had been to save the Common-wealth.

In the next place he tells us two of the Enemies ships were on



on bord the *Leopard* on the Larboard side, and they all three lay with their heads to the West-ward.

This passeth as smoothly with them that knows not *Star-board* from *Port*, as that passage in *Cap. Appletons Remonstrance*; wherein he expresseth, that when there was no Wind at all, he towed the *Leopard* through the Dutch Fleet, yea, and he towed her againe through them, at which we need not say to all Sea-men, pray laugh (since he had no help, but of two small Boats) for all such men know that a Land Commander might have been as soon believed in saying, A Mouse with a string in my Nose led me and my Troop through a Regiment of the *Dutch*; and so valorous it made us, that it pul'd us through them againe: For those *Dutch Ships* Stemmes and Bow-sprits lay directly over the *Leopards* Broad-side, and consequently their heads could not lie all one way; the *Leopards* head lay to the Soath-ward, and the *Flemings* heads lay over her broad side to the West-ward, and so with their two Top-sails and fore-sails they kept full before the Wind, and pog'd her directly towards the sand that lyeth from the *Malora* all along to the Main.

And although I am ready to teare my paper, and throw all away, rather then spend my time in answering such horrid lies, as all these *Declarations* are stuf withall, yet I see there is a necessity of my Patience in proceeding.

He saith in the next place, that all my Squadron was to Wind-ward, and shot at a great distance; but some went neerer, as himselfe for one: Oh valorous man! Whilst he was at *Civita Vecchia*, a moneth or two before he had the States Comission; for then according to what the Boateswains Mate of the *Hector* (that was in the Ship with him) is ready to make Oath, he out-pass'd all others, for he drank the Confusion of the State of *England* (saith he) with such heartinesse, that he heav'd his Hat over-board, and would not let them fetch it againe, being on such a score But it's prov'd by sundry Witnesses (and if occasion be, it will be prov'd by the Oaths of tenne times as many knowing men, who observ'd what pass'd) that those who did least service

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among all the Ships, did as much as the *Lewis*, and as I have denoted else-where : But for not going on bord the *Leopard*, or coming neer me when our ship would not worke, that I might have commanded him to goe upon that service, his Cowardize or negligence therein, must needs have caused him to be brought under a most severe sentence, and if I had brought him home in chaines to have been tryed for his life, for that and other misdemeanors, all knowing men must confesse I had done but Justice : however if lenity have imboldned him to be so audacious, I suppose it is not yet too late for authority to call him to an account, and perform that part that I omitted.

But he proceeds, and tels us, that when he was getting the wind of the *Leopard*, although he had a mans head shot off, and another shot through the back, and some wounded, he was intended to relieve the afore-mentioned Ship; but when I saw him leane to *Lea-ward*, then I cal'd him after mee.

This is a pretty story to come from a Saylor in Breeches; I hope his mans head that was shot off did not make his ship lean to *Lee-ward*?

I answer; when I saw that he and others who were neere the *Leopard* ( being nimble ships ) did not execute my orders in going on bord to relieve her, when our Ship the *Parragon* would not beare up to doe it, if it were to save a Nation, as it's proved upon oath by sundry witnesses, and can be proved by as many score if occasion require. Yet afterwards, when about a dozen of my chief Officers ( I suppose as able men as any were in the Fleet ) gave me in their opinion, as they would answer it upon their lives, it was no way likely, since the *Leopard* was drove so neer the sand, that we could dis-intangle her from the other ships untill all of us were aground, or be destroy'd together, I did with-draw, and call off the Squadron : and I had been worthy of the repute of a mad-man, if I had not done it as I did, all things considered.

I follows next, *That having the Fireship neere me, I might have engaged the Dutch Admtrall.*

Let

Let all men judge, whether this be not an impudent, brazen-fac'd person; and whether hee were not under Hatches, whereas hee should have been looking abroad, when about two hundred and fifty men and boyes that were in the *Parragon* can, and I am confident will (when ever they are call'd to it) make oath that we did engage the Dutch Admirall within Musket-shot, and there discharg'd a volley of small shot, and about 30. piece of Ordnance into him at no further distance, leaving him by the Lee: And had we grappl'd, how could the Fireship have done her execution which I order'd her to doe, and yet have sav'd our owne ship; and if an honest stout person had been there to have made all the faile hee could for the effecting thereof: But such a bundle of words, and good for little else, a proud, prating Consort (like unto them that put out these *Declarations*) I believe the Dutch Admirall might have been fired, and the day have been turn'd by it.

In the last place he saith, *The winde was at S. S. E. all day, and with nine ships I steer'd away, although was chas'd but with eight, and if we had tackt, it would have given a good wipe to our cowardize* (including my selfe and all others with the cowardly K. himselfe) he having received the most damage, and that he saw the *Leopards* Flag foure hours after he came out. All these are such a company of long———— that deserves neither time, nor paper to be spent in answering them: *Patience.*

1. Whereas he saith, *he received greater damage then the rest*, I think his consort *Fisher* will quarrell with him about that point: But although the *Parragon* and others might receive three times as many shot as he, & lost men as well as he; if she and others had receiv'd a thousand great shot in the Hull, Masts, Sailes, and Rigging (as the *Parragon* received little lesse not many moneths before) and although  $\frac{3}{4}$  of the men were lost, yet the Commander ought to follow the service they were upon, so long as there was any hopes; and if this had been considered by him, he would not now bring in a lame excuse about his damage, in hopes to acquit himselfe from what he deserves, in not complying with the Order he



received at the Councell of Warre the day before, which was; That when the Commander in Chiefe of any Squadron was removed, those of that Squadron should attend the Commands of the Admirall; and the Rear-Admirall being aground, he should have attended neer me to know on what service I would have put him.

2. Whereas he saith, the wind was at S. S. E. when I cal'd off the Squadron; Because I find him before mentioning his Journall ( as now hee doth in the Close ) I thought him a greater Proficient in the Art of Navigation ( then those that have judg'd he could not say his Compass ) but now it doth not appear.

For divers understanding Seamen have made oath, the wind was about the E. S. E. most part of the day, and my selfe, and hundreds besides can freely make oath, the ship lay South, and from the S. by E. to the S. and by W. with the Stem, when we left Legorn-Road, and all the Afternoone after, untill we bore away Laskin, so that we weather'd the Gorgana about 3 or 4 Leagues, and then let all Seamen judge where the wind was.

And whereas he saith, *When but eight Dutch ships came after us nine, I would not tacke upon them to wipe away our Cowardize:*

What if but two Frigots of the Dutch had followed us, ( the rest being under the shoar ready to come off to them ) would it have been any wisdom to have tack'd upon them, since the Parragon was a foul ship that had been off the ground about two years, and all the Dutch cleane ships? the neereft was three leagues astern from the time they first stood after us: And pray mark the disproportionableness that was between us, and you will give some estimate at the malice that is in this mans heart.

The Dutch were 26 Sail in the morning when they weigh'd; but by a hand of God we were reduc'd to nine, at withdrawing, and we saw no damage any of them had receiv'd, except one ship sunck, and their Fireship burnt, for which they had taken two of ours, and it may be the Tiller of the Admirals Rudder shot in pieces, which could not be long amending, and one of those on bord the Leopard was ready  
to

to sinke as we thought, so that however they were three to one: But besides, there was the Reer-Admiralls Squadron, sixe great Ships, from 46. to 30. piece of Ordnance expected to the Enemies assistance from *Messina* every moment, and there was a great ship look'd for from the West-ward, with 60. piece of Ordnance, and 3 or 400. men, which had in her Ammunition, and all manner of Accoutrements for that Fleet, & two other great ships from *Tolloon*, all wch ships arrived next day, or within 2 or 3 days after as I have heard, but none could be expected to our relief. Besides, the Commander of the *Constant Warwick* and *Elizabeth*, told me their Main-masts were so cut with shot from the Enemy, that they were fearfull they would fall by the bord, ere they could fith them so, as to strengthen them to carry their ships through the Sea. The Commander of the *Phoenix* told me his fore-yard was in pieces, & he must have a little time to mend that ere he could do service: The little trust to be given the greatest part of my owne Company may be guessed at, by the trick they serv'd me at my first Engagement, the other four or five Merchants ships (all but one) little better mann'd, then if they were to carry Salt, or Corn: So that all things being considered, I have cause to believe, that there is never an understanding man in *England*, but must have judg'd of the Enemy being above four to one odds & now whether it had been then any prudence to have engag'd further, I leave it to old Souldiers to judg, who were wont to say, *Bring a new or young Souldier into the Field, and when once their back is turn'd upon the Enemy, you shall never get him (at that time) to stand for doing any considerable service.*

But now, if Cap. Ell shall yet defend himselfe but from three or four men as well Arm'd as himselfe, where there is no Wall, Hedge, or Tree to leane his back against, Ple forgive him, and be content to sit downe under the aspersion he hath laid upon mee: But if not (although Justice shall sleepe) I hope it will be no offence in me to desire the insolvency of this person in Arraigning and Condemning his Commander as a Coward before Tryall (who hath beene known to manage a Dispute by Sea, before he well knew  
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how to tye up his Trusses ) may open no gapp for other proud, vapouring Sirs to flye in the face, and bespatter eminent, and gallant Commanders on whom ( in some sense ) I am not worthy to wait.

Whereas he saith he saw the *Leopards* Flag foure hours after we came away, & she was shooting so long. By the oaths of very sufficient witnesses (that stood and look't on as they were prisoners on bord the *Flemings* ) it is proved, we could not be gone little above an houre before the *Englisb* Colours were downe, and the *Dutch* Colours were flying upon the aforenamed Ship.

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## Here followeth an Answer to C. *Fisher's* Declaration.

**F**irst, hee saith, *That word was sent from me that very morning before they came out of the Mould, that I would not have Capitaine Appleton come forth untill I came neere the Lant-borne.*

If that be granted, then what madde men were they to come forth before my selfe, and the *Frigots* came there to receive them; or at least before they saw me engag'd with the *Enemie*, since it was contrary to their deliberate Councell of War that morning, when as *Mr. Longland* was among them, and adviseth as much by severall Letters.

Secondly, he saith, *I sent two Messengers to order their coming out, although one was sent before to order them not to budge; but seeing me so wavering, they concluded so and so.*

I see he and others would faine stammer out something to excuse themselves, although it's not a little troublesome to me, I must comply with part of *solemn's* Councell, by answering some persons according to their folly, lest they be not only wise in their own Conceits, but judg'd by other so honest, as to speak something of truth.

First



First then, that men may judge whether I was wavering or no: The 3, or 13. at four a Clock in the morning, I sent my Feluca in with a Letter to Cap. Appleton, the Contents of which was to this effect: *Your Squadron being the least, I am loath to hazard it, and therefore I would not have you stirre before I come close on bord the Mould-head to receive you, or be engaged with the Dutch.*

His Answer at foure a Clock in the afternoonn runs thus; *I thankefully acknowledge your care of this Squadrons preservation, but if wee have a fine gale of winde off shoar in the night (with your approbation) I will come out.*

In the beginning of that night, that those in the Mou'd might not be terrified about thoughts of the enemies Fire-ship, Cap. Upcher & Whiting went in while it was calm, to tell them they were order'd to attend within Musket-shot of the Mould-head in the morning, and that the later was man'd for a Man of War, as well as a Fire-ship, to the end she might clap the Enemies Fire-ship aboard, and surprize her in the first of our Dispute, in which service the *Constant Warwick* was to attend her.

About mid-night, seeing a most gallant fresh gale of wind off shore all Easterly, I cal'd my Lieut. to me saying, take the Feluca, and goe with all speed on bord C. Appleton, and tel him, although I shal not send a warrant positively to require him to com away at this instant, because I know not how the wind may shift before you come there; yet if the gale continues, let him know I effectually recommend it to him, to cut his Fast, and come away: He went accordingly to that Squadron, & then I suppos'd my self by the light of the Lanthorn (if I were not mistaken) to be about 3 or 4 miles off in the fair way. It seems my Lieut. arrived on bord the *Leopard* about two a Clock the 4<sup>th</sup> in the morning, and having delivered his Message, all the Commanders were cal'd to come and consult with Cap. Appleton what was best to be done; the word was pass'd from ship to ship, to the Commanders of the *Sampson*, *Perigrine*, and *Levant Merchant*, they came: But although they cal'd divers times, Ho the *Mary*, ho the *Mary*, the Admirall hath sent for us to come away; wherefore

fore the Vice-Admirall desires the Captaine of that ship to come and consult with them about the Businesse, or words to that purpose. But the Gentleman could not be made wake in neer two hours after, which is not to be admired at (by those who know what disease he is troubled with all) In the meane time (while he was absent) the rest had shewed enough of their waveringnesse.

Sometimes the greatest part of them agreed upon cutting and breaking loose to go out; but then one more, a Drone, and duller then the rest, he puts in his verdict to stop their intention, so that all was laid by before this Fisher came, which made the Masters Mate of the *Leopard*, one Master *Wrightington* say in a passion, *The Captains were cursed people, and bewitched to that Mould; Why could they not goe out with that gallant fresh gale of winde, now that their Admirall sent for them?* And I dare presume, never did men lose a fairer opportunity: For as if God had reach'd out a hand from heaven, and pointed it out to them, the Eclipse of the Moon was just at that time: But saith he the Flemings were in a Half-moon within Musket-shot of the Mould-head with their topsaile-sheats hawl'd home, and most of their Fore-sails in the Brailes.

My Lieutenant that went in with the Feluca, and saw all the *Dutch* ships how they lay, makes Oath that he saw them all very plain by Moone-light, and could not perceive that any one of them had the least part of a saile loose; and besides, he makes oath, that by his best judgment, none could be nearer then about 2 mile off the *Mould-head*, with the ships heads that way, directly to Lee-ward of the *Mould*, as much in a Halfe-square as a Halfe-moon for ought he could see. Now let all men chuse whom they will believe, a person that was in a Boat neer them, or a person that lay fast asleep and could not be awak'd by any means.

The next thing he saith, is, *That they expected me neere the Lanthorne when it was day, yet then I was as farre distant as over night; and by some of our owne Squadrons relation, we lay muzzled four Glasses, when we might have been by this shoar in the morning, and so have sav'd their squadron, &c.*

For

For Answer ; when as I expected them out , we did lye muzled with lights fore, and aft , and all men ready by the Ordnance to which they were assign'd ; that if any had assaulted them in their way coming out, we would have fill'd our sailes, and stood in to have engag'd them.

*Now the Reasons for lying short with our Saile are chiefly these.*

**F**irst, in regard we saw not the *Malora* before night , and that we might bee mistaken by taking a light on the Hills for the light of the Lanthorn as some have done , and have run ashore in the night ( as I have heard ) by that meanes, even so might we , by labouring to get into *Legorn-Road* at that time with such a Ship of Charge as the *Parragon* is , it being a true saying , *Night bath no eyes*. If it be yet replied, *it was a moone-light night* ? I answer ; When as I have been bound for the above-mentioned Road, even in a Moun-light night in company of *C. Moyer*, and others, that had I believe as able men on bord as any was in our Fleet ; and yet in regard we saw not the *Malora* before night, although the ships in point of Charge were no way proportionable to the *Parragon*, yet we durst not venture into that Road , but have layn short all night about the *Gorgona*, untill day-light appeared. Besides, all the later part of the night we had an Eclipse of the Moon that made it wondrous dark ; that wee could not discern the shoar , but they in the Mould might have come off the shoar at their pleasure ; and the darker it was, the more for their advantage.

*Secondly*, As I alwayes judg'd it a most dangerous thing to engage with such Ships of Charge as we had , in *Legorne Road*, so I had spent sundry hours in hammering out a way to draw our Enemies from thence to fight us in the Sea, by sending Propositions as I did to the Great Duke, and otherwise ; and I could not imagine, but that the above-named Prince would endeavour to open a doore or passage for those Ships in *Legorn-mould* ( he commanded forth ) to goe out of the reach of his cannons before the *Dutch* should have had the liberty to assault them : and consequently they must have come out , if they had an intent to fight us ; where-



fore I judg'd my selfe as well to passe without the *Malora*, as within, when day-light appeared.

*Thirdly*, I could not imagine our Ships in the Mould would have come out in the morning before I was engag'd, because they had the Copy of our Orders agreed on at a Councell of Warre the first of *March*, wherein they might see it was resolved, that when we came neer *Legera*, and the winde Easterly, we should then make a bord off, by standing a little to the South-ward, purposely to tole or entice the *Enemie* out, that if it were possible, our engagement might be without, and not within the *Malora*. And according to what was endeavoured to bring about, and have effected for our advantage, it pleased God to put into the hearts of the *Dutch* to come out upon us: And when the head-most of them were bearing with us, and that we laid our ships head to the Offing, distant from the *Malora*, as is before expressed, I appeal to all understanding Seamen that know that place, whether we had not been as gallantly to passe as any men in the world could be, in regard that when the *Enemy* had bore to Lee-ward whereby to engage us, they could not have tack'd back upon our friends in the Mould, but in all probability wee might have had the advantage of the winde to have gone backe as fast as they, thereby to have met that Squadron: But now they imprudently come out before the *Enemy* was come to Lee-ward upon us, and engag'd us, contrary to reason, and my Advice given them in my Letter, dated the day before at four a Clock in the morning, contrary to their owne deliberate Consultation, while Mr. *Longland* was with them that morning, whereby they lost such a second Advantage, which can be far more easier discern'd, then it was felt, by many that lost their lives, or were wounded in Body, Estate, Reputation, and Peace, which otherwise they might have enjoyed, had it not been for that omission.

*Fourthly*, Could I have imagin'd they would have come out so indiscreetly, since (as they acknowledg) they were advie'd that the *Constant Warwick*, and our *Fireship* should be

be at the Mould-head to receive them before they came out.

But to proceed a little further ; *Fisher* saith, when hee was neere me, he brought his ship to the other tacke, and went firing into the Fleet before me.

Were we not then at a fine passe, that a Gallant, who was the other day a Masters Mate in a fourth rate ship, should as soon as he takes Command, presume to turn Leader to his Admirall ? But here he tells a story, that all men amongst us must needs acknowledg to be a miracle : If he bore in among a Fleet of ships, they were invisible to us ; for there was only two of the Enemies on bord the *Leopard*, and the Dutch Admirall that was bearing away to the North-ward, all the rest of the Dutch Fleet were to Lee-ward of the *Sampson* then burning, and I do verily believe the aforesaid Fleet was without shot of him, when as he came by the *Julius Cæsars* stern, as other men did, discharging some Guns upon her.

Yet it was not a greater miracle then was told me concerning him in the *Downes*, when as there was a Mutinie on bord the *Mary*, some of that Ships Company told me, the Cap. was such a sottish person the men could not be contented to remain under his Command, I replyed, how is this ? what is the Captain such a Sot, as that the ordinary Marriners cannot live with him ? this is a miracle indeed ?

But whereas this *Fisher* was so valarous as to turn Leader to me ; what can he say for himselfe, in that he was backward to doe his duty in the time of the Engagement, which the Laws Martiall saith is death. Now for to take away all Excuses, I sent him a Copie of these Orders that was agreed on at a Councell of War the day before, wherein it was resolved, that if any Ship of the Admirals, Vice-Admiral, or Reer-Admirals Squadron were laid on bord, the others of that Squadron that were nearest to such an one, should immediately lay the Enemy on bord againe on the other side ; or how hee could, that had borded his friend of the same Squadron.

But this *Fisher*, notwithstanding he had a nimble cleane

ship, and had not lost above a man or two in coming out : and although he saw ( or might have seen ) the *Parragon* would not bear up to go on board those ships that lay on board the *Leopard*, had it been to have sav'd a Commonwealth : And howbeit he was one of the Vice-Admirals Squadron, he went not on board to save her, contrary to the expresse rule given him for his better government.

The next thing that concerns me to answer ( that is not sufficiently answered before ; ) He saith in his opinion, had I stood in againe, then I had sav'd the *Leopard*, *Perrigreen*, and *Levant Merchant*, which I left in a sad condition.

Where this malicious mans eyes were I cannot tell, but there are divers men that can make Oath, as some men have done already, that the *Perrigreen* was surrendred before I cam in so farre as to discharge my first Broad-side on those two ships on board the *Leopard*, which the Cap. of her was throughly sensible of ; and therefore at his going out of the world, declar'd to Mr. *Longland*, and another Witnesse, who hath now made oath thereof, they could not now blame me in any thing ; and added, for not having respect to order, their losse was brought about, *Oh their destruction was of themselves, their destruction was of themselves*, or words to that purpose. And as for the *Levant Merchant*, she was surrendred ( as we thought ) by that time I got first in, for the Guns ceased between her and the *Flemings* on board her : and if any of the *Perrigreens* men be question'd with it, they will tell tell you that it was noys'd fore, and ast their Ship, that the *Levant Merchant* was possess'd by the enemie an houre before that ship was surrendred.

There is one passage more of this vapouring person that I am yet to answer, and it is this ; hee saith, *That when he was the sternmost ship, I went away with all Saile* : For reasons before signified in my answer to *Seaman* and *Ell's* Declaration, all hopes being past, I did order all Saile to be made, in regard now they might take notice I cal'd them away, and withall that we might weather the Rock of the *Malora*, which was little more then Musket-shot from us, and at that time



time we had no more but four fathom and a half water ; but whereas he saith , he was left in some hazard by reason of those of the Enemies ships that followed him, sufficient witnesse hath , or will make *Affidavit* , that those *Dutch-men* of War that followed us, must have run about six miles, before they could have come at the *Mary*, if she had been at Anchor, and consequently he could be in no danger ; but although I suppos'd she could fetch me up when she would, yet being cleare of the *Malora* , I shortned sail (in a special manner) to know how it was with this Ship , and either sent a Boat aboard of them, or else bid my Lieutenant call to the Cap. on the Poop, and tell him, that although I kept close by a wind while it was day-light, that the enemy might be some-what amus'd , and not be able to know which way I determined to goe, either to the East-ward to meet their *Messina* Fleet, or to the West-watd , to hunt after their ships with Ammunition and Provisions which were coming that way ; yet after it was dark, I would steer such a course, of which there is sufficient witnesse upon oath.

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*Now having done answering the Declarations , give mee leave to adde briefly,*

**T**He Lawes Martiall for keeping good Discipline in the Fleet, by it's 11<sup>th</sup> Article, saith, First, *It shall be death to be backward in doing service in the time of Engagement.*

2. By it's 13<sup>th</sup> Article it saith , *Whosoever shall utter words of sedition, or tending to the making a mutiny, shall be lyable to a sentence of death, which needs be understood by the severest punishment.* Well then, it is be very sufficiently prov'd, Cap. Fisher was backward in doing his duty in the time of Engagement, in that he was of the Vice-Admirals Squadron, and yet laid not those ships on bord that was on bord the *Leopard*, a piece of negligence absolutely contrary to his duty. Againe, By testimony on oath it appears, that he absolutely refus'd to render Conformity or Obedience to the command,  
or

or warrant I sent him under my hand in the Bay of Legos.

Further, it doth as clearly appear, that C. Ell did disobey my order at *Genoa*, in not going to *Naples*, or *Messina*, although he excus'd it by putting it on his men.

2. It is sufficiently prov'd, that he did not act according to his Duty in time of our engagement, in that he came not, or at least kept not neare me to know my pleasure, when his Leader, the *Phoenix* Frigate, was aground upon the Rocks.

3. In that according to the Testimony given in on oath, at my first departure from *Legorn*, seeing me shorten saile, to stay for one of the Frigates, I sent in to land a man at *Cercigo*, He calls to Cap. *Godolphin*, Commander of the *William*, and *Thomas*, with these words in his mouth, *The Admirall looses time, he hath a minde to Porto Longone, or else-where untill he sells us into the hands of the Dutch, they are like to be at the Streights mouth before us, and therefore let us Merchant-men be gone, and leave the Admirall to shift for him selfe, or words to that purpose.* By which it appears, that although ( it may be ) *Robert Lendall* that stir'd up the Mariners to resist the commands of that Gentleman, who was Vice-Admirall in 1648. and so to mutiny only on bord that one ship, this man would have severall ships to commit such unsufferable disorder.

4. It's proved by sufficient Witnesse upon oath, that the afore-mentioned Ell did contemptuously contrary to all his friends advice, disobey my Warrant, and the lawful Command I sent him under my hand in the Bay of Legos.

Fifthly, It will appear by witnesse enough, at our last coming into the *Downes*, that although I gave him leave to be wanting from his ship about ten hours, he staid above ten dayes, which doubtlesse occasioned his men to mutiny as they did, when by Authority they were commanded forth to Sea.

So that now if the high disorders and contempts of these two men ( at least ) be adjudg'd of according to our Lawes Martiall, without dipping my pen in Gall, or any kind of passion,

passion, or bitterness, if I should aske the question of the most moderat<sup>d</sup> man that understands any thing of Martiall Discipline by Sea or Land, and say, Pray what do you think could be done lesse, in case I had been invested with the power (that undoubtedly belongs to one in my Command, at so great a distance) and had disingag'd persons about me at their Tryall, then to have given a sentence of death either at the yard Arme, or else how, would it not be answered in the Affirmative? And if so, here we have the old Proverb as rightly fulfil'd as may be; *Save a Thiefe from the Gallows, and he will hang thee if he can*, these men having now struck at my life (as wou'd to say) with a witnesse.

I have yet one word more; the great *Jehovah* that knows all mens actions, and the end they drive at, at whose Judgment seat we must all one day appeare, can witnesse for me the truth of what I am now about to say, which I am also ready to make Oath of when ever I am cal'd to it; some of these persons that appeare now against me in Print, as one that were either a Traitor, a Coward, or at least a negligent person in the management of that businesse at *Legorn*.

In our home-ward way, seeing me walk more reserv'd, and melancholy (as they thought) then I was usually wont to doe, they have come to mee with these words in their mouths sundry times, *Good Sir, be not discontented, nor melancholly about what hath fallen out, no man in the world could do more then you have done; and had you engag'd further (without all per-adventure) wee had lost all the Fleet; or words to that purpose.*

Wherefore I thinke, to reasonable men it must needs appear we have a sort of naughty malicious people in England, that have incited some of these persons to what originally they intended not, and consequently it may stir us up to desire that the work which (according to the hope of many) hath been upon the wheel for almost twice seven years, may be carryed on to a greater perfection.

And I suppose it may be easily gathered from what hath been before denoted, there are a sort of people that would



would imitate some house Carpenters, who being desirous to make quick work for plucking down a Fabrick erected, first endeavoureth to strike away the small Rafters, that at the great Supporters, or Beames, they may fetch a blow ( as we use to say ) to the purpose.

In fine, it is well for some they have in their hearts a very ready answer to that notable question of the Wise man :

*But who is able to stand before envy, Prov.*

27. 4.

For some can boldly say, &c.

*Your Honours very*

*humble Servant,*

*Rich. Badiley.*

*Legorn,*

CAPT. BADILEY;

**S F R,**

Servants, I shall take my leave of their service. 'Tis a vile disposition in man, that when God sends Affliction, instead of humbling of himselfe under that hand, he flies upon his fellow-servants, and imputes the fault to them; 'Tis just the case of *Wadsworth*, whose Letters writ mee from *Porto Longone*, I herewith send you, which you may shew to whom it concernes. The *Dutch* are all gone westward towards *Cales*, except a Ships, who lye here in Port; they say likewise that the Boare is to goe home, when Young *Trump* comes up to him. I rest,

Your Servant,

Although I never thought to come in Print againe, a few weeks since; yet being constrained to it at this time, receiving this Letter by the French Post, just upon finishing, I have thought fit to insert it; and if any doubt of the truth of it, I shall not onely shew the Original, but make Oath it came unexpectedly to my hand, this 3 of Octob. 1653.

Ri: Badiley.

F I N I S.